

FOREST ORDER

USDA FOREST SERVICE SHOSHONE NATIONAL FOREST

Prohibitions and Restrictions on Cave Access

Pursuant to 16 United States Code (U.S.C.) § 551 and 36 Code of Federal Regulations (C.F.R.) 261.50(a), the following acts are prohibited on all National Forest System lands administered by the Shoshone National Forest in the State of Wyoming.

The purpose of this Order is to reduce the likelihood of the inadvertent spread of the fungus that causes White-nose syndrome and to protect bat species from White-nose Syndrome.

These Prohibitions are in addition to the general prohibitions set forth in 36 CFR Part 261.

PROHIBITIONS:

1. Entering any cave on National Forest System lands without an authorized registration form available through the Rocky Mountain Region's public website (<http://www.fs.usda.gov/r2/>) or by a written request to the Rocky Mountain Region (USDA Forest Service, Rocky Mountain Region, 740 Simms St., Golden, CO 80401; ATTN: cave registration request). All entrants must carry a valid, signed registration form when entering any cave. 36 C.F.R. 261.53 (a), (b) and (d).
2. Entering those caves identified in Exhibit A during the dates specified in Exhibit A. 36 C.F.R. § 261.53 (a), (b) and (d).
3. Entering any cave without decontamination of equipment prior to entry to, and departure from, said cave consistent with those guidelines hereby attached and incorporated into this Order as Exhibit B. 36 C.F.R. § 261.53 (a), (b) and (d).
4. Use of any clothing or equipment that has been used in caves or mines in White-nose Syndrome affected States and Canadian Provinces in any cave on National Forest System lands. 36 C.F.R. § 261.53 (a), (b) and (d). The list of White-nose Syndrome affected States and Canadian Provinces can be found at (<http://whitenosesyndrome.org/about/where-is-it-now>) and is indicated on the authorized Registration Form.

EXCEPTIONS:

Pursuant to 36 C.F.R. § 261.50 (e), the following persons are exempt from those Prohibitions specifically identified:

1. Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force working in the performance of an official duty is exempt from Prohibitions #1, #2, #3 and #4.
2. When conducting White-nose Syndrome-related activities, Forest Service employees, contractors to the Forest Service, and personnel from State wildlife agencies are exempt from Prohibitions #1 and #2.
3. Tribal members of any Indian Tribe defined under 36 C.F.R. § 261.2 who are conducting ceremonies, rituals, or other culturally important events are exempt from Prohibitions #1, #2 and #3.
4. Persons with a valid Special Use Permit specifically authorizing cave access are exempt from Prohibition #1.
5. Persons with written authorization from a Forest Supervisor specifically authorizing cave entry to conduct research, inventory, or monitoring as needed to understand and manage White-nose Syndrome and to contribute to the nomination of cave resources as significant under the Federal Cave Resources Protection Act (16 U.S.C. 4301 – 4309 and 36 C.F.R.290) are exempt from Prohibition #1 and #2. Such written authorization must be in the physical possession of the person or persons when undertaking the exempted activities.
6. Members of the National Speleological Society or Cave Research Foundation conducting activities consistent with the national Memorandums of Understanding between the Forest Service and these caving organizations (Agreements #11-MU-11132424-018 and MU-1113-2424-010, respectively) with a written authorization from a Forest Supervisor specifically authorizing cave entry are exempt from Prohibitions #1 and #2. These Members must have proof of their Current Membership and the written authorization from the authorized Forest Supervisor must be in the physical possession of the Member or Members when undertaking the exempted activities. Related activities involve for example leading or assisting cave research, survey and monitoring, identification of sensitive resources, installation of bat gates and signs, monitoring cave use and impacts, survey and cartographic work, cave cleanup and restoration activities, bat observations, monitoring cave and karst resource or environmental conditions, white-nose syndrome surveillance, or related activities or information-gathering of mutual interest and benefit to inform management and conservation of the cave and karst resources.

This order will be in effect from August 1, 2013 – July 31, 2016, or until this Order is terminated whichever occurs first.

Violation of these prohibitions set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six (6) months, or both. (16 U.S.C. § 551, 18 U.S.C. §§ 3559 and 3571).

Dated this 30th day of July, 2013, at Cody, Wyoming.



Joseph G. Alexander
Forest Supervisor
Shoshone National Forest, USDA Forest Service

EXHIBIT A

AREAS SUBJECT TO CLOSURE

Entry to the following caves is prohibited during the dates specified:

Cave Name	Cave Number	Ranger District	State	Closure Dates (inclusive)
Spooke Cave	021405-003	Wind River	WY	15 October – 15 April
Gaylord (Sawmill) Cave	021403-001	Washakie	WY	15 October- 15 April

EXHIBIT B

Decontamination Procedures for Shoshone National Forest To Help Prevent the Spread of White-Nose Syndrome (WNS) Associated with Cave (and Abandoned Mine) Entry

**USDA Forest Service
Shoshone National Forest
July 30, 2013**

All approved cave entries under this order for the **Shoshone National Forest** must adhere to the latest National White-Nose Syndrome Decontamination Protocol. As of this order the current protocol is Version 06.25.2012. The protocol is periodically updated, and all persons entering caves in the **Shoshone National Forest** are responsible for ensuring they are following the latest version available at www.whitenosesyndrome.org. Additionally, the **Shoshone National Forest** provides the following addenda that clarifies or expands on the national protocol relative to decontamination procedures for National Forest System lands in the Region.

Shoshone National Forest Addenda to the National Protocol

Decontamination on National Forest System lands

White-nose syndrome (WNS) decontamination will occur using the national decontamination protocol in relation to sanctioned cave entry. A cave is defined under the Federal Cave Resources Protection Act as “any naturally occurring void, cavity, recess, or system interconnected passages beneath the surface of the earth or within a cliff or ledge that is large enough for a person to enter, whether the entrance is excavated or naturally formed.” Caves used by bats and of concern in this document include all caves and fissures whether they are accessible by humans or are known to be used by bats or not.

While the national decontamination protocol properly emphasizes that “the label is the law” when using the products identified in the protocol appropriate for decontamination, many of these are household products for which the labels may not be fully instructive about their use in the situations and environments associated with White-nose syndrome-related decontamination. Consequently, added precaution may be needed in use and proper disposal of decontamination products and materials. Consistent with the national protocol, we also emphasize again bagging exposed gear and clothing and carrying it off-site (off of National Forest System lands) in order to complete the decontamination, following the initial removal of sediment and other debris immediately after emerging from the cave.

USFS employees are responsible at all times to meet any other existing agency or Region 2 requirements for cave entry and/or use of pesticides in addition to any requirements in this Exhibit.

Disinfectants/Applications

While the national protocol provides several product and procedural options for decontamination, the preferred option for decontamination for cave and mine entries in the Rocky Mountain Region is to submerge gear in hot water at sustained temperatures $\geq 50^{\circ}\text{C}$ (122°F) for **at least 20 minutes** whenever possible without harming the treated gear or equipment. (Water at the required temperature should be very hot, but not boiling, in most cases. Temperature at boiling is altitude-dependent). Thermometers must be used to ensure proper temperatures over the duration of the decontamination. All appropriate regulations regarding use of stoves or fire, as well as appropriate safety precautions to prevent burns or risk of wildfire must be followed.

Application of quaternary ammonium if used is limited to hard non-porous surfaces. Other decontaminated surfaces or materials need to be treated with a 122°F water bath for **at least 20 minutes** or 10% bleach solution within the limits specified by the label and Material Safety Data Sheet (MSDS).

Disinfectants known to be effective on *Geomyces destructans* (*Gd*), the fungus that causes WNS, contain chemicals registered with the EPA. It is a violation of federal law to use, store, or dispose of a regulated product in any manner not prescribed on the approved product label and associated MSDS. Users must obtain product labels and MSDSs, read them carefully, and use products only as instructed on the label. Final determination of suitability for any decontaminant is the sole responsibility of the user. Treatments which include the use of the products listed below need to be applied carefully, especially in confined spaces, due to risk of inhalation or contact with the product. All users should be aware of these risks prior to implementing the protocol and understand that products and corresponding procedures may cause irreversible harm. Always use personal protective equipment to reduce contact with these products, particularly when recommended by the manufacturer.

Safe Use of Decontaminants

Because each state can have different regulations concerning the disposal of decontamination solutions and rinse water, always dispose of these where they will be processed in a municipal water treatment facility. ***Never dispose of solutions or rinse water on the ground, in ground water, in outhouses, or down simple waste water systems such as at campgrounds or rural RV dumps.*** Disposal on National Forest System lands is prohibited.

Biosecurity/Decontamination Procedures

Caves

Clothing (including outer clothing), boots, socks, harness/ropes, helmet, hardhat, hipback/daypack, headlamp, flashlight, camera, and other gear should not be used in multiple entries in the same day unless the cleaning and decontamination recommended below can be performed between each entry. Exceptions include:

- Where caves are known to be interconnected and have multiple entrances, decontamination is not required between entries at the various entrances within the same day.
- Forests may identify logical decontamination zones that allow decontamination between cave clusters when use or disposal of decontamination chemicals between individual caves, present a human or environmental risk. Decontamination zones should also encompass areas that are likely to be used by the same group of bats and at the smallest possible geographic unit to minimize risk of contamination between zones. These geographic units could be hydrologic unit code boundaries (HUCs) or bat habitat use areas.

- Movement between the sites will occur by foot. If any vehicle will be used to travel between sites, gear will be decontaminated or securely stored in a container before entering/mounting the vehicle (including automobile, ATV, mountain bike, horse, etc.).
- Any item that comes in contact with contaminated gear (anything that has entered a site) will need decontamination. For example, if a backpack is put on while still wearing the coveralls/tyvex suit worn in the site, the backpack will need to be decontaminated.
- Any item that will not be securely stored in a container should be decontaminated before placed in a vehicle. This includes outer clothing that has entered a site (i.e. do not get in or on a vehicle in clothing that has entered a site unless it is decontaminated). Vehicle interiors are impractical to decontaminate so should be kept clean.
- If a site being entered is outside the designated decontamination zone/HIC, that gear/clothing should be decontaminated or changed for clean gear/clothing. Decontamination must occur no less frequently than at the end of each day.
- Gear that is designated to a site or decontamination zone should be decontaminated or replaced annually.

Civil Rights Impact Analysis Order Number – 2013-005

The Civil Rights Impact analysis (CRIA) analyzes the 10 Forest decisions selecting an adaptive management approach for the White-nose Syndrome (WNS) Environmental Assessment (EA) on all units of the Rocky Mountain Region except the Nebraska National Forests and Grasslands.

1. Description of Proposed Action

The Forest Supervisors for 10 units in the Rocky Mountain Region (Arapaho and Roosevelt National Forests and Pawnee National Grassland; Bighorn National Forest; Black Hills National Forest; Grand Mesa, Uncompahgre, and Gunnison National Forests; Medicine Bow Routt National Forest and Thunder Basin National Grassland; Pike and San Isabel National Forests and Cimarron and Comanche National Grasslands; Rio Grande National Forest; San Juan National Forest; Shoshone National Forest; White River National Forest) are proposing to issue an order to implement the WNS EA decisions.

This order will be in effect August 1, 2013.

The adaptive management approach includes 2 tiers of management dependent upon the status of WNS and *Geomyces destructans*, the fungus that causes WNS. Under Tier 1 management as described in the Environmental Assessment (EA), caves are open unless specified as closed in the Forest Order. Unless specified under the exceptions in the forest order, all persons entering caves open to the public must possess a valid, signed registration form, must decontaminate equipment according to the Order, and are prohibited from using equipment and clothing that has been used in caves or abandoned mines in States or Provinces where WNS has been confirmed or suspected. Under Tier 2 management as described in the EA, all caves are closed to the public unless specified as open in the Forest Order.

For cave access authorized under Tier 1 management, all persons entering caves are required to possess a valid cave access registration form. This form is available online on the Rocky Mountain Region's website, and registration forms may also be requested via traditional mail. For both Tier 1 and Tier 2 management, circumstances occur where persons may be excepted from the requirements of the Forest Order and these exceptions are described in said Order.

An authorized Forest Service Officer may authorize entry into caves closed under the order for Forest Service-sponsored research or other activities contributing to knowledge that benefits the Forest and Region and informs bat and white-nose syndrome management. Rescue personnel performing their official duties are exempted from this closure order.

Caves are defined as any naturally-formed void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth, including natural

subsurface water and drainage systems, which is large enough to permit a person to enter, whether the entrance is naturally formed or man-made (Forest Service Manual 2356.05, in part). For purposes of clarification, this order does not cover voids, cavities, recesses that occur within a cliff or ledge, such as rock shelters. Only subterranean features are covered because the fungus associated with White-nose Syndrome (WNS) is known only from underground cave and mine environments.

Caves that are closed will be signed and their names available at the respective Forest offices.

2. Civil Rights Impacts of the Proposed Action

No Civil Rights Impacts are anticipated as a result of these Forest Orders being put into effect at this time. The Orders would apply to all users of 10 units included in the WNS EA.

The order would not affect the rights of Tribal governments.

3. Actions to Reduce Potential Negative Effects

White-nose syndrome is caused by a fungus of European origin that has killed an estimated five million⁺ bats across the eastern United States and Canada since 2006. The disease continues to spread though it has not yet been observed within the Rocky Mountain Region. This fungus grows best in the cold and wet conditions common to caves and abandoned mines, and there is evidence to suggest that the spores can be transported inadvertently from site-to-site on skin, hair, clothing, boots and gear of cave visitors. Implementing the WNS EA decision, the Forest Service hopes to limit the likelihood that the fungus causing WNS will be inadvertently spread into the Region by humans. During 'Tier 1' of implementation (prior to the arrival of WNS within 250 miles of the Region), implementation includes administrative closures of some caves known to be used by bats as hibernation, maternity, and swarming sites. During 'Tier 2', all caves are administratively closed though targeted cave openings may be authorized.

These orders will be in effect for 3 years from date of implementation.

Communication with potentially affected communities is and will continue to be conducted prior to and after the issuance of the closure order (see Communication Plan).

Information about the WNS EA implementation will be made available to the public throughout the 3-year period. Such information will be available through various media outlets, such as newspapers, web pages, signage, and informational packages at Forest offices. Forest Service employees will be knowledgeable of the management approach and will be able to inform Forest visitors when necessary.

4. Recommendations and Monitoring Actions

Monitoring the status of WNS and potential impacts to bat populations within the Rocky Mountain Region will continue during implementation. Monitoring will occur with the assistance of various partners involved in the management of WNS.

5. Line Officer Approval


Joseph G. Alexander

FOREST SUPERVISOR
Shoshone National Forest
Rocky Mountain Region

7-30-13
Date

CRIA CERTIFICATION

This is to certify that the undersigned:

Major Responsibilities

- Worked with subject matter experts, including agency civil rights officials, during the planning and development of the WNS EA and Forest Order.
- Identified and analyzed the civil rights implications and impacts of eligibility criteria, methods of administration, and other requirements associated with this proposal. No Civil Rights Impacts are anticipated as a result of the closure order being put into effect at this time.

Monitoring and Evaluation

- The undersigned agrees to monitor implementation of the Closure Order and work with Units to evaluate the effectiveness, and take follow-up action where adverse civil rights impacts persist.

Signatory

/s/ Florence R. Navarro
FLORENCE R. NAVARRO
Director, Civil Rights
Rocky Mountain Region/Intermountain Region

7/25/13
Date

CAVE ACCESS ENFORCEMENT PLAN

Order Number 2013-005

Scope

Order number 2013-005 signed by Rocky Mountain Region Forest Supervisors, will regulate access to caves on National Forest System lands. These restrictions are necessary to protect bat species from White-nose Syndrome. They are in addition to the general prohibitions set forth in 36 CFR Part 261.

Prohibitions:

1. Entering any cave on National Forest System lands without an authorized registration form available through the Rocky Mountain Region's public website (<http://www.fs.usda.gov/r2/>) or by a written request to the Rocky Mountain Region (USDA Forest Service, Rocky Mountain Region, 740 Simms St., Golden, CO 80401; ATTN: cave registration request). All entrants must carry a valid, signed registration form when entering any cave.
2. Entering identified caves during the dates specified in Exhibit A. 36 C.F.R. § 261.53 (a), (b) and (d).
3. Caving equipment decontamination procedures may also be implemented in the Region.

Posting

The order will be posted at all Forest Supervisor and District Offices, as required in 36 CFR 261.51. Copies of the order will also be available in the Regional Office. Notification of the closure order will be publicly released through various media resources and will be posted on the Region 2 and Forest websites. Temporary cave closure signs will be posted at affected caves during the duration of the specific cave closure.

Coordination with other Agencies

Current data and evidence are being shared amongst state and federal agencies. Caves throughout the Region may be regulated with permanent or temporary closures. The Forest Service is currently working with partners and law enforcement to strengthen coordination and consistency.

Patrol Activities / Enforcement Strategies

Law Enforcement personnel will work with forest staff in identifying the open areas and determining the greatest need for enforcement presence. LEI staff will patrol and monitor high use areas and contact any violators. Officer discretion will be utilized in determining course of action. Any person who refuses to comply with the cave prohibitions will be subject to law enforcement action.

It is imperative that the agency put emphasis on their outreach and public education plan. LEI personnel, Forest Protection Officers, and all field going personnel should be informed of the open areas, assist with public outreach and education, and communicate any violations that occur.

Persons Authorized to Enter Closed Caves

1. Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force, working in the performance of an official duty are exempt from all prohibitions.

2. When conducting White-nose Syndrome-related activities, Forest Service employees, contractors to the Forest Service, and personnel from State wildlife agencies are exempt from Prohibitions #1 and #2.
3. Tribal members wishing to conduct ceremonies, rituals, or other culturally important events are exempt from Prohibitions #1, #2.
4. Persons with a valid Special Use Permit authorizing cave access are exempt from Prohibition #1.
5. For all caves listed in Exhibit A, persons with written authorization from a Forest Supervisor specifically authorizing cave entry to conduct research, inventory, or monitoring as needed to understand and manage White-nose Syndrome and to contribute to the nomination of cave resources as 'Significant' under the Federal Cave Resources Protection Act (16 U.S.C. 4301 – 4309 and 36 C.F.R.290) with such written authorization in the physical possession of the person or persons when undertaking the exempted activities are Exempt from Prohibition #1 and #2. The written authorization for these purposes takes the place of the registration form identified in Prohibition #1
6. Members of the National Speleological Society or Cave Research Foundation conducting activities consistent with the National Memorandums of Understanding between the Forest Service and these caving organizations (Agreements #11-MU-11132424-018 and MU-1113-2424-010, respectively) with a written authorization from a Forest Supervisor specifically authorizing cave entry are exempt from Prohibition #2, and Prohibition #1 is not valid under these circumstances. These Members must have proof of their current membership and the written authorization from the authorized Forest Supervisor must be in the physical possession of the Member or Members when undertaking the exempted activities. Related activities involve for example, leading or assisting cave research, survey and monitoring, identification of sensitive resources, installation of bat gates and signs, monitoring cave use and impacts, survey and cartographic work, cave cleanup and restoration activities, bat observations, monitoring cave and karst resource or environmental conditions, white-nose syndrome surveillance, or related activities or information-gathering of mutual interest and benefit to inform management and conservation of the cave and karst resources.

Media Access

This will be determined by Public Affairs personnel, in conjunction with the Forest Supervisor. If approved for entry, law enforcement personnel should be notified and the individual(s) must be escorted by agency personnel.

Signatory



LAURA J. MARK
Special Agent in Charge

7/26/2013

Date